

# SENATE NO. 22

## **PROPOSAL** for a legislative amendment to the Constitution

### ESTABLISHING AN INDEPENDENT REDISTRICTING COMMISSION AND CRITERIA FOR REDISTRICTING FOR STATE HOUSE, SENATE, AND COUNCILLOR DISTRICTS

A majority of all the members elected to the Senate and of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of General Court and approved by the people at the state next following]:

#### **ARTICLE OF AMENDMENT.**

1           Article CI of the Articles of Amendment to the Constitution of the Commonwealth is

2 hereby annulled, and the following is adopted in place thereof:

3           Article CI

4   The House of Representatives shall consist of one hundred and sixty members, each of whom shall

5 be elected from one representative district. Every representative shall have been an inhabitant of

6 the district for which he or she is chosen for at least one year at least immediately preceding his or

7 her election and shall cease to represent such district when he or she shall cease to be an inhabitant

8 of the Commonwealth, provided, however, that for the first redistricting following the adoption of

9 this article, the General Court may suspend the residency requirement of this section.

10           SECTION 2. The Senate shall consist of forty members, each of whom shall be elected  
11   from one senatorial district. Every senator shall have been an inhabitant of the Commonwealth for  
12   at least five years immediately preceding his or her election and shall be an inhabitant of the district  
13   for which he or she has been selected at the time of his or her election and shall cease to represent  
14   such senatorial district when he or she shall cease to be an inhabitant of the Commonwealth.

15           SECTION 3. The manner of calling and conducting the elections for the choice of  
16   representatives, senators, and councillors, and of ascertaining their election, shall be prescribed by  
17   law.

18           SECTION 4. The federal census shall be the basis for determining the representative,  
19   senatorial, and governor's council districts for the ten-year period beginning with the first  
20   Wednesday of the third January following the commencement of the taking of said census.

21           SECTION 5. In the year after each census is commenced, and only in that year, an  
22   Independent Redistricting Commission ("Commission") shall be convened and shall divide the  
23   Commonwealth into one hundred and sixty representative districts, forty senatorial districts, and  
24   eight councillor districts. All districts shall comprise contiguous territory, shall be equal in  
25   population to the extent required by law, and shall comply with federal constitutional and statutory  
26   requirements. No district shall be drawn for the purpose or with the effect of diluting the voting  
27   strength of any group based on race, ethnicity or language minority status, or for the purpose of  
28   augmenting or diluting the voting strength of a political party, or any individual. In drawing district  
29   lines, the Commission shall not consider residential address, party affiliation, or partisan voting  
30   history of any individual or groups of individuals, except to the extent necessary to avoid dilution of  
31   voting strength based on race, ethnicity or language minority status. In addition, to the maximum  
32   extent possible, district boundaries shall be drawn so as to: (1) maintain the unity of well-defined

33 municipal neighborhoods; (2) observe municipal boundaries; (3) establish senatorial districts that  
34 follow representative district boundaries; (4) establish councillor districts that follow representative  
35 district boundaries and (5) promote geographic compactness of districts. If it is not possible to draw  
36 district boundaries that fully comply with these criteria while also complying with the mandatory  
37 requirements set forth herein, then they shall be drawn to optimize the criteria in the order of  
38 priority set forth hereinabove. The Commission shall also consider communities of interest in  
39 determining which cities, towns, or neighborhoods thereof to aggregate into a single district.

40           SECTION 6. The Commission shall consist of seven member commissioners. On or  
41 before January 15 of the year following the commencement of the federal census, the following  
42 offices shall each appoint one member of the Commission: the Governor of the Commonwealth,  
43 who shall appoint a dean or professor of law or political science or government at an institution of  
44 higher learning in the Commonwealth; the Attorney General of the Commonwealth, who shall  
45 appoint a retired justice who resides in the Commonwealth; and the Secretary of the  
46 Commonwealth, who shall appoint an expert in civil rights law who is a resident of the  
47 Commonwealth.

48           By the same date, the House Speaker, the House Minority Leader, the Senate President, and  
49 the Senate Minority Leader shall each nominate three individuals. The appointees chosen by the  
50 Governor, Attorney General, and Secretary of the Commonwealth shall then select one of the three  
51 nominees named by each said official.

52           If nominations or appointments are not made by January 15 of such year, the office  
53 responsible for making the appointment or nominations shall forfeit its rights under this section and  
54 the remaining direct appointees shall then make an appointment to fill the vacancy.

55           Nominations and appointments shall reflect the geographic, racial, ethnic, gender, and age  
56   diversity of the Commonwealth to the maximum extent feasible and shall be selected on the basis of  
57   civic involvement and knowledge of redistricting policy, civil rights, political science,  
58   demographics or statistics, election expertise, voting rights, community organizing, or law. No  
59   person nominated or appointed to the Commission, in the five years preceding such nomination or  
60   appointment, shall have held Congressional, state legislative or statewide elective office, or shall  
61   have served as mayor or city councillor of a city in the Commonwealth, governor's councillor, or  
62   shall have been elected to a state or federal party committee; or shall be a current employee, agent  
63   or family member of any of the above; or, in the two years preceding such nomination or  
64   appointment, shall have been a legislative agent. The Commissioners shall agree: (1) not to stand  
65   for election to the General Court, Congress, or the Governor's Council until districts are redrawn  
66   following the next census; (2) to apply the provisions of this article in an honest, independent, and  
67   impartial fashion; and (3) to act at all times so as to uphold public confidence in the integrity of the  
68   redistricting process.

69           SECTION 7. The Commission shall be convened no later than February 15 of the year  
70   following the commencement of the decennial census. The Commission shall disband only upon  
71   final adoption and exhaustion of judicial review of challenges to representative, councillor, and  
72   senatorial districts.

73           SECTION 8. The Commission shall hire staff and may retain experts to assist it in the  
74   performance of its duties. The Commission shall establish rules governing its operation and  
75   procedures. Commissioners may receive compensation for actual time spent on Commission duties  
76   and shall be reimbursed for reasonable and necessary expenses. The budget of the Commonwealth  
77   shall provide adequate funding for the operation of the Commission.

78           SECTION 9. A member of the Commission or an appointing authority may petition the  
79   Supreme Judicial Court to remove a commissioner on the grounds of neglect, misconduct, or  
80   inability to perform the duties of a commissioner. A vacancy so created shall be filled by the office  
81   which appointed the removed commissioner or by the nomination and selection process set forth in  
82   Section 6, as applicable.

83           SECTION 10. All meetings of the Commission shall be open to the public, consistent with  
84   the laws of the Commonwealth concerning open meetings as of the date of the adoption of this  
85   Article. All documents produced by or for the Commission shall be public. The Commission shall  
86   hold public hearings in at least five geographically disbursed counties. The public shall be afforded  
87   the opportunity to submit proposed maps for consideration by the Commission and the Commission  
88   shall make map-making software available for public use. The Commission shall take all steps  
89   necessary to ensure that the public can exercise its right to review and comment on proposed district  
90   maps before they are approved and shall publish all preliminary and final plans in publicly  
91   accessible forums that are free of charge and that ensure wide public distribution. Proposed  
92   districts shall be presented in both graphic and narrative form.

93           SECTION 11. Within one hundred and twenty days of the completion of the decennial  
94   census, the Commission shall prepare and publish for public comment a preliminary plan for  
95   representative, councillor, and senatorial districts. The public shall have a three-week period to  
96   comment on the preliminary district plan. The Commission may revise the preliminary district plan  
97   in response to public comment and shall submit the revised plan to the General Court, which shall  
98   vote on the revised plan. If the plan is rejected, then the Commission shall prepare, publish, revise,  
99   and submit a second-round preliminary district plan in the same manner as the first. Following the  
100   period for public comment, the Commission shall submit the revised plan to the General Court for a

101 vote. If the General Court votes to reject the second-round plan, then the Commission shall  
102 prepare, publish, revise, and submit a third-round preliminary district plan, in the same manner as  
103 the first. If the General Court rejects the third-round plan, then the Commission shall prepare,  
104 publish, and revise a fourth-round plan in the same manner. The plan, so revised, shall become law  
105 without submission to or approval by the General Court.

106 With respect to each plan the Commission submits to the General Court for a vote, the vote  
107 must be taken within two weeks of submission. No amendments to the plan as submitted may be  
108 made. If the plan is approved by a majority of the members of the House and Senate present and  
109 voting or if no vote is taken within the two-week period, then the plan as submitted shall become  
110 law.

111 SECTION 12. Original jurisdiction is hereby vested in the Supreme Judicial Court upon  
112 the petition of any voter of the Commonwealth for judicial relief relative to the establishment of the  
113 representative, councillor, and senatorial districts. The General Court may by law limit the time  
114 within which judicial proceedings may be instituted to challenge any redistricting map.